

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
Yoshihiro NAKAMI) Examiner: A. Hsu
Application No. 10/520,858) Art Unit: 2622
Filed: January 10, 2005) Docket No. MIPFP133
For: OUTPUT IMAGE ADJUSTMENT) Date: April 22, 2009
OF IMAGE DATA) Confirmation No. 4445

)

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321 TO OBVIATE OBVIOUSNESS-
TYPE DOUBLE PATENTING REJECTION

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Seiko Epson Corporation, the owner of the entire interest in the above-identified application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of prior United States Patent No. US 7,511,853 B2 (“the prior ‘853 patent”), as presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior ‘853 patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior ‘853 patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321;

1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any matter terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

Applicant is concurrently submitting the disclaimer fee of \$140.00 as part of the online filing process. If any additional fees are required to facilitate consideration of this paper, then such fees should also be charged to Deposit Account No. 50-0805 (Order No. MIPFP133).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

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Date: April 22, 2009

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